



JOINT MANAGEMENT PLAN REVIEW

DRAFT

**PROPOSED ACTION PLAN: Wildlife Disturbance -
Motorized Personal Watercraft**

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ACTION PLAN GOALS

To minimize disturbance of marine wildlife by motorized personal watercraft, minimize user conflicts, and provide opportunities for MPWC use within the Sanctuary.

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Note: *The sections titled “Introduction” and “History of MPWC Management within the MBNMS” were prepared by MBNMS staff and do not represent any joint characterization by the MPWC Working Group.*

INTRODUCTION

Motorized Personal Watercraft (MPWC) are small, fast, and highly maneuverable craft that possess unconventionally high thrust capability and horsepower relative to their size and weight. This characteristic enables them to make sharp turns at high speeds and alter direction rapidly, while maintaining controlled stability. Their small size, shallow draft, instant thrust, and “quick reflex” enable them to operate closer to shore and in areas that would commonly pose a hazard to conventional craft operating at comparable speeds. Many can be launched across a beach area, without the need for a launch ramp. Most MPWC are designed to shed water, enabling an operator to roll or swamp the vessel without serious complications or interruption of vessel performance. The ability to shunt water from the load carrying area exempts applicable MPWC from Coast Guard safety rating standards for small boats. MPWC are often designed to accommodate sudden separation and quick remount by a rider. MPWC are not commonly equipped for night operation and have limited instrumentation and storage space compared to conventional vessels. MPWC propelled by a directional water jet pump do not commonly have a rudder and must attain a minimum speed threshold to achieve optimal maneuverability. Most models have no steerage when the jet is idle.

Water jet-propelled MPWC gained mainstream popularity in the United States in the 1980s, and sales accelerated through the mid 1990s. Their size, power, speed and sophistication have advanced steadily. Some current models can carry up to 4 passengers and achieve maximum speeds between 30 and 60+ miles per hour. Engine size, horsepower ratings, and vessel range and endurance have increased over time.

In addition to water jet-propelled MPWC, other craft exist that are extremely maneuverable at high speeds, have shallow drafts, and powerful thrust/weight ratios, including small jet boats, air boats, hovercraft (air cushioned craft), hydrofoils, and miniature speed boats. Some of these also possess the ability to shunt water from the load carrying area.

The majority of MPWC currently operated within the Monterey Bay National Marine Sanctuary (MBNMS) are compact water jet-propelled craft that shed water from the passenger spaces. Larger size models are preferred in the high-energy ocean environment for increased power, range, and towing ability. Popular uses are operation within the surf zone, weaving in and out of wave lines, launching off the crest of waves and wakes, and towing surfers into large and/or remote wave breaks. MPWC are often operated in pairs or larger groups for camaraderie and improved safety.

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At least eight State and local public safety agencies currently operate MPWC within the MBNMS for purposes of surf zone rescue. These agencies preposition MPWC ashore and conduct periodic training for potential ocean search-and-rescue missions. Public safety officials assert that MPWC are the only craft that can safely access the high-energy surf zone due to their rapid acceleration and maneuvering capabilities and that the craft provide an important tool for conducting rescues that would prove too risky or impossible to accomplish with other vessel types.

Use of MPWC to tow surfers into large waves at Mavericks, a surf break off Pillar Point in San Mateo County, is a relatively new technique in surfing, allowing surfers to catch massive waves previously considered too large to ride. Use of MPWC for this purpose has increased dramatically during the past few years at Mavericks. Tow-in surfing activity has been increasing at many traditional surfing locations in the Sanctuary, regardless of surf conditions. On days with moderate or low surf, MPWC provide ready access and improved flexibility for positioning surfers on wave breaks. On high surf days, MPWC provide access to areas normally considered too dangerous by paddle surfers. The MBNMS has received complaints by surfers, beachgoers, and coastal residents that the use of MPWC in traditional surfing areas has produced conflicts with other ocean users and caused disturbance of wildlife. During the designation of the MBNMS, the operation of MPWC in nearshore areas was identified as an activity that should be prohibited to avoid such impacts.

Since 1993, Sanctuary regulations have specifically defined MPWC and restricted them to certain zones in the Sanctuary in order to protect marine mammals and seabirds and minimize nearshore multiple use conflicts. However, many current MPWC designs do not fall within the Sanctuary's current definition of motorized personal watercraft because the definition was based on prevailing design and performance characteristics in 1992 that quickly became obsolete. As a result, newer MPWC have been operating in nearshore areas throughout the MBNMS, contrary to the *intent* of the Sanctuary's MPWC restrictions. Larger MPWC (3+ passenger capacity) comprise the majority of MPWC observed in the Sanctuary today. Since these craft are exempt (by definition) from current Sanctuary restrictions, the existing MPWC zones receive limited use and have become increasingly ineffective in serving their intended purpose.

HISTORY OF MPWC MANAGEMENT IN THE MBNMS

The Monterey Bay National Marine Sanctuary restricted use of MPWC (as defined below) upon designation in 1992 and confined these craft to four zones outside of the four harbors in the Sanctuary. This regulation was intended to provide enhanced resource protection by prohibiting operation of MPWC in areas of high marine mammal and seabird concentrations, kelp forest areas, river mouths, estuaries, lagoons and other similar areas where sensitive marine resources are concentrated and most vulnerable to disturbance and other injury from MPWC. The MBNMS regulation defines a MPWC as *any motorized vessel that is less than fifteen feet in length as manufactured, is capable of exceeding a speed of fifteen knots, and has the capacity to carry not more than the operator and one other person*

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while in operation. The term includes, but is not limited to, jet skis, wet bikes, surf jets, miniature speed boats, air boats, and hovercraft. Since adoption of this regulation, manufacturers have designed and marketed many MPWC models capable of carrying two or three people in addition to the operator, which effectively exempts these craft from MBNMS zone restrictions.

Currently, MPWC may launch only within Monterey, Moss Landing, Santa Cruz, or Pillar Point Harbors and must proceed directly to an adjacent operating zone outside each harbor through a specified 100-yard wide access route. Zone boundaries are marked by a total of 21 yellow Sanctuary can buoys and 4 Coast Guard navigation aids. The zone buoys are positioned along the perimeter of each zone; however, they present added navigation hazards to mariners.

In order to inform users about use of the zones, eight large enamel interpretive signs were designed, produced, and installed at launch ramps in the four harbors within the Sanctuary. The signs are customized to each harbor location with text of Sanctuary MPWC regulations superimposed on a map depicting the nearest operating zone and access route. The Sanctuary also designed and published several thousand brochures to provide personal instructions for using the zones and complying with MBNMS regulations. The brochures were distributed to harbor offices and some retail shops. The total initial costs (material, transportation, and personnel) for deployment of buoys, signage, and brochures between 1996 and 1997 was estimated at \$83,000. Annual maintenance cost for the buoy system ranges from \$12,000 to \$15,000 per year, but is expected to drop slightly due to routine equipment rotation schedules begun in 2002. This does not include costs for republishing brochures or repairing/replacing signage.

MBNMS staff believe that sufficient research findings and empirical evidence exist to support continuing the agency's current management approach. Many assessments of MPWC impacts indicate that unrestricted access to all reaches of the Sanctuary by such craft would pose an unacceptable threat to wildlife and other ocean users. MPWC commonly accelerate and decelerate repeatedly and unpredictably, and travel at rapid speeds directly toward shore, while motorboats generally slow down as they approach shore. Accordingly, disturbance impacts associated with MPWC tend to be locally concentrated, producing effects that are more geographically limited yet potentially more severe than motorboat use, due to repeated disruptions and an accumulation of impacts in a shorter period of time. To prevent the disturbance of wildlife and other nearshore users, most MPWC have been restricted in protected marine areas adjacent to, or overlapping the MBNMS (e.g. the Gulf of the Farallones National Marine Sanctuary and nearshore areas of the Golden Gate National Recreation Area, Marin County, California State Parks, and the City of Santa Cruz). Current MBNMS management of MPWC is consistent with actions taken in these jurisdictions.

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PROPOSED MANAGEMENT STRATEGIES

There are 5 strategies designated for this *Motorized Personal Watercraft Action Plan*, which address MPWC definition, zoning, special uses, outreach and compliance. They are listed below and described on the following pages:

- MB - MPWC 1: MPWC Definition Criteria
- MB - MPWC 2: Zoning
- MB - MPWC 3: Exceptions to Zone Restriction
- MB - MPWC 4: Educational Outreach to MPWC Community
- MB - MPWC 5: Enforcement

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STRATEGY MB-MPWC 1 - MPWC SAMPLE DEFINITION

Issue Description

Current MBNMS regulation defines a motorized personal watercraft as *any motorized vessel that is less than fifteen feet in length as manufactured, is capable of exceeding a speed of fifteen knots, and has the capacity to carry not more than the operator and one other person while in operation. The term includes, but is not limited to, jet skis, wet bikes, surf jets, miniature speed boats, air boats, and hovercraft.* Since implementation of this regulation, most MPWC manufacturers have designed vehicles that fall outside the MBNMS definition. Many MPWC models are now capable of carrying two or three people in addition to the operator and are therefore not subject to the MBNMS regulation.

No Consensus. The working group did not reach consensus and is forwarding three divided positions on this proposed strategy.

Group Discussion Summary

The working group initially attempted to identify *criteria* for use in developing a new or revised MBNMS definition of MPWC. Many in the group determined that offering a *sample definition* that embodied certain criteria would be a more useful recommendation to the Sanctuary Advisory Council (SAC). The group struggled at length with crafting a definition that would identify the craft of concern with precision, anticipate future design changes, and avoid inclusion of vessels not intended for restriction. Some group members split over appropriate definition components, while others disagreed with any premise that MPWC should be defined for subsequent confinement to zones. As a result, the group agreed to forward two definitions for SAC consideration, as well as a position statement from those members opposing the definition of MPWC for restriction to zones. Those supporting a definition differed on whether reference to the mode of propulsion should be broad or specific.

Recommendation (split)

Position A. The MPWC Working Group offers the following as an imperfect definition of MPWC, recognizing that the primary issue regarding MPWC operation in the Sanctuary is one of behavior, not solely vessel design:

Motorized Personal Watercraft means any watercraft less than 16 feet in length (as manufactured), propelled by a water jet pump, fan, or turbine, that is designed to be operated by standing, sitting, or kneeling on, astride, or behind the surface vessel, in contrast to a conventional boat, where the operator stands or sits inside the vessel.

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Position B. The MPWC Working Group offers the following as an imperfect definition of MPWC, recognizing that the primary issue regarding MPWC operation in the Sanctuary is one of behavior, not solely vessel design:

Motorized Personal Watercraft means any watercraft less than 16 feet in length (as manufactured), propelled by machinery, that is designed to be operated by standing, sitting, or kneeling on, astride, or behind the surface vessel, in contrast to a conventional boat, where the operator stands or sits inside the vessel.

Position C. Regarding MPWC, the primary issue is one of behavior, not vessel design.

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STRATEGY MB-MPWC 2 - ZONING

Issue Description

The MBNMS has employed a zoning approach to MPWC management for ten years (since 1992) to prevent disturbance of marine wildlife, nearshore habitats, and other coastal users by MPWC. Four existing zones were sited based upon the location of public launch facilities, traditional areas of MPWC use, and local wildlife and marine recreation patterns. Zone boundaries are marked by a total of 21 yellow Sanctuary can buoys and 4 Coast Guard navigation aids. The markers are positioned along the perimeter of each zone; however, they present added navigation hazards to mariners. Overall, the zones have received little use by MPWC operators since many ride 3+ person capacity craft that are not restricted to the zones. If the definition of MPWC is changed to include 3+ person capacity craft, zone use patterns will likely change, though specific impacts by zone are unknown.

Partial Consensus. The working group reached consensus on Activities B and C, but did not reach consensus on Activity A.

Group Discussion Summary

The working group determined that the current buoy system was the most effective means of marking zone boundaries at this time and reached consensus on ways to improve the buoy system. The group considered and modified suggested criteria for determining continued maintenance or closure of zones, but could not reach consensus because some members opposed MPWC zones and any measure that might further reduce riding areas.

Recommendation

Activity A: Criteria for determining which zones should remain open [No Consensus]. The following list of criteria was discussed by the Working Group but was not finalized or approved:

- 1) seasonal and annual MPWC use patterns
- 2) wildlife impacts within the zones
- 3) navigational hazards posed by zone markers
- 4) ocean use conflicts within the zones
- 5) fiscal cost of establishing and maintaining zone markers, signage, and outreach products
- 6) availability of resources to monitor MPWC activity and enforce MPWC restrictions
- 7) financial impacts to harbors and ramps from closing areas previously available to MPWC. The California Department of Boating and Waterways could potentially reduce funding support to launch facilities adjacent to areas closed to MPWC.
- 8) proximity to or overlap with marine protected areas
- 9) lost MPWC recreational opportunity

Potential Partners: N/A

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Activity B: Improve buoy marking system [Consensus - Phase 2] The visibility of the zone marker buoys will be enhanced by the following measures:

- 1) add pvc piping to extend buoy height above the waterline
- 2) mark buoys to identify their purpose
- 3) incorporate prominent USCG navigational aids into boundary marking schemes whenever possible

Potential Partners: USCG

Activity C: Implement ongoing buoy maintenance program to assure buoys are on station (Consensus - Phase 2). The MBNMS will contract with a private vendor to conduct regular maintenance and any necessary modifications to the buoy system to help assure that buoys remain on station, minimize safety hazards, and correctly mark the prescribed zones.

Potential Partners: N/A

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STRATEGY MB-MPWC 3 - EXCEPTIONS TO ZONE RESTRICTION

Issue Description

In order to promote enhanced public safety goals or to facilitate unique world-class watersport activities, special regulatory provisions are necessary to allow for the controlled operation of MPWC in areas of the MBNMS outside established operating zones.

At least eight State and local public safety agencies currently operate MPWC within the MBNMS for purposes of surf zone rescue. In order to use MPWC for response in critical areas, local response agencies must train their MPWC operators to be familiar with the nearshore areas and ocean dynamics in which they may be called to operate. Since many response areas lie outside of MBNMS MPWC zones, public safety personnel need an administrative mechanism that facilitates familiarization and proficiency training.

The nearshore area immediately southwest of Pillar Point, California (popularly named “Mavericks”) is known world-wide as a unique surfing venue where waves reaching a height of 50 - 60 feet occur periodically each year. It is the only site of its kind in the continental United States. Since the Mavericks area is outside of MBNMS MPWC operating zones, special administrative provisions would be required to allow MPWCs to tow in surfers at this location.

Partial Consensus. The working group reached consensus on Activities A and B, but did not reach consensus on Activities C and D.

Group Discussion Summary

The working group agreed that some provision should be made to allow for training (outside zone boundaries) of public safety personnel who use MPWC for marine rescues. The group could not reach consensus concerning a limited permit program for tow-in surfing at Mavericks because some members of the group opposed creation of any new riding areas and because the Mavericks site is immediately adjacent to Fitzgerald Marine Reserve.

Recommendation

Activity A: Authorization for training of public safety personnel [Consensus - No Phase Recommended]. NOAA will authorize public safety agencies operating MPWC within the Sanctuary to conduct MPWC training for locally assigned personnel.

Potential Partners: N/A

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Activity B: Official protocols for training of public safety personnel [Consensus - No Phase Recommended]. The Sanctuary will consult with public safety agencies assigned jurisdictional authority within the Sanctuary to develop MPWC training protocols for their emergency response personnel. At a minimum, the protocols will include the following terms and conditions:

- 1) Training shall be conducted only for official government public safety personnel assigned to local units exercising jurisdictional authority within the Sanctuary
- 2) Training shall not occur in sensitive habitat areas or disturb marine wildlife
- 3) Training shall not interfere with other ocean users
- 4) Authorized public safety agencies shall select training areas and periods in coordination with the MBNMS
- 5) Authorized public safety agencies shall notify the MBNMS in advance of ocean training sessions
- 6) Trainees shall use only agency authorized equipment that is marked for ready identification by the public
- 7) Trainees shall perform training in accordance with strict standards prescribed by their respective agencies

Potential Partners: USCG, CDPR; Cities of Marina, Santa Cruz, Capitola, Half Moon Bay, and Monterey; Pillar Point Harbor; and Pacific Grove Ocean Rescue

Activity C: Special Use Permit program for tow-in surfing activities at Mavericks (Pillar Point) [No Consensus]. The Working Group did not reach consensus on minimum guidelines for the limited permitting of individuals to conduct MPWC tow-in operations at Mavericks during very high surf periods. Guidelines and specific permitting conditions were discussed at length and included a limited entry special use permit system; a cap on the number of MPWC allowed at the site at any given time; minimum wave heights for tow-in based on maximum wave heights surfed by paddle technique; fee-based funding for monitoring and enforcement; certification and training requirements; transit routes; etc.

Potential Partners: N/A

Activity D: Special Use Permit program for sponsored tow-in surfing competitions at Mavericks (Pillar Point) [No Consensus]. The Working Group did not reach consensus on minimum guidelines for the limited permitting of individuals to conduct MPWC tow-in operations at Mavericks as part of specified big-wave competition events. Guidelines and specific permitting conditions were discussed and included a limit on the number of sponsored competition events per year; issuance of permits to event sponsors, rather than participants; insurance requirements; post-event clean-up requirements; fee-based funding of enforcement monitoring, interpretive signage, and outreach materials related to the event and; inclusion of most terms and conditions developed for Activity C above.

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Potential Partners: N/A

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STRATEGY MB-MPWC 4 - EDUCATIONAL OUTREACH TO MPWC COMMUNITY

Issue Description

In order to notify MPWC users and the public of zone restrictions and use protocols, education and interpretive programs must be developed and implemented. Current Sanctuary education and outreach efforts include 1.) publication and distribution of a general brochure, which explains regulations, depicts zones, and describes potential environmental impacts of MPWC operations and tips for reducing or eliminating those impacts; 2.) signage at harbor launch ramps with information and maps depicting the MPWC zones and access routes; and, 3) occasional staff or enforcement contact with users to inform or remind them of Sanctuary regulations and zones.

Full Consensus. The working group reached consensus on Activities A and B but omitted consideration of Activities C and D because they were linked to the potential permitting of tow-in surfing at Mavericks, a proposed activity that failed to receive group consensus.

Group Discussion Summary

The group quickly reached consensus on two activities to develop educational and outreach plans and tools addressing MPWC operation within the MBNMS. The group decided not to consider two additional proposed activities (weather kiosk and MBNMS website weather hyperlink) designed to support permitted tow-in surfing at Mavericks, because the overall proposal failed to receive group consensus. Note: Weather kiosk development is recommended in another action plan.

Recommendation

Activity A: Interpretive materials (e.g. signs, brochures, videos) [Consensus - Phase 1]. The following actions will be taken to improve outreach materials:

- 1) Amend the primary outreach brochure to describe the zoning system and how to use the buoy system to remain within the authorized zones
- 2) Consider making brochures multi-lingual
- 3) Create new MPWC instructional signs with MPWC regulations and information
- 4) Assure that a bold header identifies the signs clearly as regulatory signs
- 5) Consider making signs bilingual (English/Spanish)
- 6) Include a notice of penalties for violating MPWC regulations on signs
- 7) Assure that MPWC instructional signs are large and customized to local areas
- 8) Replace instructional signs that are missing from launch ramp areas
- 9) Place a special sign at Kirby Park notifying users that MPWC operation within Elkhorn Slough is prohibited
- 10) Produce an interpretive video/DVD suitable for MPWC clubs and users, describing Sanctuary MPWC regulations and guidelines and proper riding etiquette

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Potential Partners: PWIA, AWA, Surfrider Foundation, SEA, Harbors, USCG, CDBW, RBOC, CBSOA, SOS, Bluewater Network, Peter Mel, Jeff Smith, GGNRA

Activity B: Interpretive methods (e.g. presentations, dock walkers, sign placement, information distribution) [Consensus - Phase 1]. The following actions will be taken to improve outreach:

- 1) Conduct a needs assessment survey to determine the most effective method(s) of contacting MPWC users
- 2) Review locations of instructional signs to assure they are in prominent locations at launch ramps
- 3) Based on the results of the needs assessment, conduct targeted outreach to MPWC user groups, clubs, retailers, renters, repairers, etc.
- 4) Coordinate with volunteer organizations and harbormasters to provide interpretive information to MPWC operators at launch ramps
- 5) Add information on MBNMS MPWC regulations to the California Department of Boating and Waterways website.

Potential Partners: PWIA, AWA, Surfrider Foundation, SEA, Harbors, USCG, CDBW, RBOC, CBSOA, SOS, Bluewater Network, Peter Mel, Jeff Smith, GGNRA

Activity C: Install a NOAA Weather kiosk at Pillar Point Harbor launch ramp for use by MPWC operators, surfers, boaters, fishermen, etc. [Omitted] A weather kiosk would be placed at a prominent location for ready access by permitted MPWC operators to help determine if appropriate sea conditions exist for MPWC operation at Mavericks. The kiosk would additionally benefit other ocean users as well. The weather kiosk will include a touch screen computer system linked to real-time weather and oceanographic information from the National Weather Service and National Data Buoy Center.

Potential Partners: Pillar Point Harbor, Surfrider Foundation, PWIA, AWA, CDBW, USCG

Activity D: Install a link on the front page of the MBNMS website for instant access to real-time weather and oceanographic data from the National Weather Service and National Data Buoy Center [Omitted]. This aid would provide ready access by permitted MPWC tow-in operators to information that will help determine if appropriate sea conditions exist for MPWC operation at Mavericks. It will also provide useful information to other Sanctuary users.

Potential Partners: Surfrider Foundation, PWIA, AWA, CDBW, USCG

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STRATEGY MB-MPWC 5 - ENFORCEMENT

Issue Description

Oversight and management of MPWC zones requires dedicated enforcement surveillance and rapid response to suspected violations. Harbor patrols and other harbor-based enforcement agencies are uniquely situated to perform this mission, but would require training and financial support. Harbor-based peace officers are familiar with MPWC use patterns in their areas, often receive initial complaint calls from the public, have immediate access to MPWC zones, and are most familiar with harbor areas and adjacent waters.

Full Consensus. The group quickly reached consensus on Activities A and B but omitted consideration of Activity C since it was linked to the potential permitting of tow-in surfing at Mavericks, a proposed activity that failed to receive group consensus.

Recommendations

Activity A: Expanded deputization of local peace officers [Consensus - Phase 1]. The MBNMS will develop a plan for utilizing harbor police and other ocean-based law enforcement units to assist the Sanctuary in MPWC enforcement. The purpose for expanded deputization will be to increase surveillance patrols and enforcement personnel to monitor MPWC zones and harbor launch points. The MBNMS should consider creating an enforcement task force of marine enforcement agencies to coordinate support of Sanctuary enforcement goals.

Potential Partners: NOAA OLE, USCG, CDPR, CDFG, CHP, Harbor Police, Sheriff Offices, PDs, CDBW

Activity B: Commit sufficient enforcement funding to support deputization agreements with harbors (Consensus - Phase 1). NOAA shall provide adequate funding to fully support Activity A above and shall seek funding from both NOAA and non-NOAA sources (e.g. California Department of Boating and Waterways).

Potential Partners: NOAA OLE, USCG, CDPR, CDFG, CHP, Harbor Police, Sheriff Offices, PDs, CDBW

Activity C: Permit enforcement at Mavericks using permit fee funding [Omitted]. Fees collected for special use permits (authorizing MPWC access to Mavericks) will be used to pay for additional monitoring and enforcement of MPWC activity at Half Moon Bay and Pillar Point.

Potential Partners: Pillar Point Harbor, CDFG, CDPR

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